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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,635	03/01/2002	Hirokazu Kimura	UNIUS7.001APC	7611
20995	7590	12/15/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			ADAMS, GREGORY W	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3652	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,635

Applicant(s)

KIMURA, HIROKAZU

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, lines 7-8 where enclose is defined as "to close in: surround" (Merriam-Webster OnLine @ www.m-w.com) inner ring 3 covers only a portion of vertical columns 7 and leaves the majority of columns 7 exposed. For examination purposes it is assumed that enclosed in claim 1 refers to a inner ring 3 defining a vertical cylinder extending above and below inner ring 3 that encloses vertical columns 7.

Claim 4, lines 1-5 are confusing as written. Further, "the same configuration" lacks antecedent basis.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beau et al. (US 3,352,437) in view of Vita (US 3,497,087) and Hastings (US 996,641).

With respect to claims 1 & 12, Beau et al. disclose a ring 5 connected to wheels 11 which ride on a horizontal rail 10, columns 16-17 enclosed by ring 5 wherein columns 16-17 support a table 19, and a drivingly running mechanism 14-15 to run a carriage, and does not disclose a table which moves up and down along columns, and two rings sandwiching a wheel.

Hastings discloses a table A having inner rings a4 and outer rings a3 that sandwich a wheel B such that rings a3-a4 run with wheels B along horizontal rail C. Hastings disclose that rings a3-a4 sandwiching wheels B provide a revolving table with central area underneath a table free, and an unobstructed pit extending from a table axis outward. Page 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Beau's ring/wheel combination to add an inner and outer rings sandwiching wheels, as per the teachings of Hastings, to open up the middle of an area located underneath a rotating table.

Vita discloses wheels 66 that ride on a rail 64 and having vertical columns 58 connected to a carriage 72a-b, table 72, and a table drivingly lifting mechanism. Vita teaches a rotatable elevating table to automatically transport to and retrieve from a storage location an automobile. Cols. 1-2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Beau's parking structure to include columns and a table drivingly lifting mechanism, as per the teachings of Vita, to automatically store and retrieve automobiles.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beau et al. (US 3,352,437) in view of Vita (US 3,497,087), Hastings (US 996,641) and Newsom

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et al. (US 2,726,774). Beau et al. does not disclose a first carriage and another carriage running on rails that are in parallel. Newsom discloses two carriages running on parallel rails such that there is a lower carriage providing lateral movement along lower rails and an upper carriage providing both lateral movement along upper rails and vertical movement along vertical columns for support while locating cars at different locations within a parking garage. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Beau's apparatus to include a first carriage and another carriage, as per the teachings of Newsom et al., to stabilize a transfer device.

4. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beau et al. (US 3,352,437) in view of Vita (US 3,497,087), Hastings (US 996,641) and Van Dijk (WO 97/16613) (previously cited). Beau et al. a transfer device, and does not disclose an upper and lower transfer device. Van Dijk discloses a transfer device structure 1 comprising vertically aligned upper and lower transfer devices and a carry in-and-out floor 4. Col. 2, Ins. 1-35. Van Dijk teaches use of two vertically orientated transfer devices, one above ground and one below, requires only one entry/exit and further for flexibility and integration into already existing building developments and infrastructure as well as reducing energy costs due to short transport distances. Col. 1, ln. 50 - col. 2, ln. 35. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the structure of Beau et al. to include vertically aligned transfer devices; as per the teachings of Van Dijk, to provide two vertically orientated transfer devices, one above ground and one below, because

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this configuration requires only one entry/exit and further provides flexibility and integration of transfer devices into already existing building developments and infrastructure as well as reducing energy costs due to short transport distances.

Response to Arguments

Applicant's arguments with respect to claims 1, 4 & 12-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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